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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,008	10/10/2006	Karl Deininger	DEININGER3PCT	6656
25889	7590	03/21/2008		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER SELLS, JAMES D	
			ART UNIT	PAPER NUMBER
			1791	
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			03/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,008	Applicant(s) DEININGER, KARL	
	Examiner James Sells	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 22 and 24 is/are allowed.
- 6) ☒ Claim(s) 14, 16-21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14, 16-21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14, line 12, "a tab (7) each is formed" is indefinite and needs to be rephrased. In particular, it is unclear if applicant is claiming a single tab (7) or a pair of tabs (7, 27).

Claim 14, line 16, "a tab (7) each which" is indefinite and needs to be rephrased. In particular, it is unclear if applicant is claiming a single tab (7) or a pair of tabs (7, 27).

Claim 23, line 2, "concerns" is indefinite since it is unclear what the relationship between the welding station and the ultrasonic welding station is.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 14, in a method for joining an initial section of a film tube, the prior art does not teach or make obvious the concept of the placement of the cut on the end section (4) is carried out in such a way that a tab (7) each which projects in the longitudinal direction (L) of the film tube (5) is formed in the boundary regions of the end

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section (4), which tab is inserted between the inner lateral surfaces (17, 18) of the initial section (3) and is joined to the initial section (3) in a tension-proof way in the manner claimed by the applicant.

Regarding claim 15, in a method for joining an initial section of a film tube, the prior art does not teach or make obvious the concept of the placing of the cut occurs by means of a cutting element (28) arranged on either side of the film tube (2, 5) in the two outer boundary regions of the initial section (3) along the inner fold axis (S) by horizontally moving the cutting element (28) from a first position in which it is spaced from the film tube (2, 5) to a second position in which it slits open the film tube (2, 5) laterally in the longitudinal direction of the film tube (2, 5), and the thus formed tabs (27) are each placed from the outside onto the outer lateral surfaces (15, 16) of the end section (4) and are joined to the same in a tension-proof way in the manner claimed by the applicant.

Regarding claim 22, in a packaging system with a reel on which a film tube is wound up, the prior art does not teach or make obvious the concept of the cutting apparatus (12, 28) being a cutting element (28) arranged on either side of the film tube (2, 5), which cutting element is horizontally movable from a first position in which it is spaced from the film tube (2, 5) to a second position in which it slits open the film tube (2, 5) laterally in the longitudinal direction of the film tube (2, 5) in the manner claimed by the applicant.

4. Claims 15, 22 and 24 are allowed.

5. Claims 14 and 16-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Specification

7. Applicant is requested to remove the references to the claims that are recited or contained in the specification. These references to the claims create problems since the claim numbering as well as the claim scope can change during prosecution. For example, page 1, line 1 recites "in accordance with the preamble of claim 1 and a packaging system in accordance with the preamble of claim 22". It is noted that claims 1-13 have already been canceled and claims 14-24 would be renumbered as claims 1-11, respectively, if the claims were to be allowed.

References

8. References A-B are cited as prior art of interest.

Telephone/Fax

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phil Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sells/
Primary Examiner, Art Unit 1791